

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JANE DOE,)	
)	
Plaintiff,)	
)	
v.)	No. 14-CV-200
)	
COUNTY OF MILWAUKEE, DAVID A.)	
CLARKE, JR., individually and in his)	
Official capacity, XAVIER D. THICKLEN,)	
And JOHN and JANE DOE, unknown)	
Milwaukee County Jail employees and)	Hon. J.P. Stadtmueller
Officers,)	
)	JURY TRIAL DEMANDED
Defendants.)	

**DECLARATION OF THERESA KLEINHAUS IN SUPPORT OF PLAINTIFF'S
PROPOSED FINDINGS OF FACT IN OPPOSITION TO COUNTY DEFENDANTS'
AND WCMIC'S MOTIONS FOR SUMMARY JUDGMENT**

Theresa Kleinhaus, being duly sworn on oath, deposes and states as follows:

1. I am an attorney with the law firm of Loevy & Loevy.
2. I make this affidavit upon personal knowledge in support of Plaintiff's Proposed Findings of Fact in Opposition to the County Defendants' and WCMIC's Motions for Summary Judgment.
3. Attached and labeled as Exhibit 1 is a true and correct copy of excerpts from the transcript of the deposition of Jane Doe.
4. Attached and labeled as Exhibit 2 is a true and correct copy of excerpts from the transcript of the deposition of Xavier Thicklen.
5. Attached and labeled as Exhibit 3 is a true and correct copy of excerpts from the transcript of the deposition of David Clarke.

6. Attached and labeled as Exhibit 4 is a true and correct copy of excerpts from the transcript of the deposition of Donald Desotell.

7. Attached and labeled as Exhibit 5 is a true and correct copy of correspondence from Lew Wasserman to the Milwaukee County Sheriff.

8. Attached and labeled as Exhibit 6 is a true and correct copy of correspondence from Xavier Thicklen to Sheriff Clarke.

9. Attached and labeled as Exhibit 7 is a true and correct copy of a “Probable Cause Statement” related to Xavier Thicklen.

10. Attached and labeled as Exhibit 8 is a true and correct copy of the criminal complaint in *State of Wisconsin v. Xavier Thicklen*, 2014CF000361 .

11. Attached and labeled as Exhibit 9 is a true and correct copy of the docket in *State of Wisconsin v. Xavier Thicklen*, 2014CF000361.

12. Attached and labeled as Exhibit 10 is a true and correct copy of Xavier Thicklen’s Responses to Plaintiff’s First Set of Requests for Admission.

13. Attached and labeled as Exhibit 11 is a true and correct copy of excerpts from the transcript of the deposition of Paul Tiffin.

14. Attached and labeled as Exhibit 12 is a true and correct copy of the civil complaint in *Estate of Watts v. Heine*, 2:07-cv-00644 (E.D. Wis. 2007).

15. Attached and labeled as Exhibit 13 is a true and correct copy of the investigative summary of the investigation related to James Howard.

16. Attached and labeled as Exhibit 14 is a true and correct copy of excerpts from the investigative file related to James Howard.

17. Attached and labeled as Exhibit 15 is a true and correct copy of the civil complaint in *Rankins v. Howard*, 2:11-cv-01153 (E.D. Wis. 2011).
18. Attached and labeled as Exhibit 16 is a true and correct copy of the docket in *State of Wisconsin v. James Howard*, 2009CF001245.
19. Attached and labeled as Exhibit 17 is a true and correct copy of the transcript of the deposition of Jessica Thompson filed in *Rankins v. Howard*, 2:11-cv-001153 at Dkt. No. 57-2.
20. Attached and labeled as Exhibit 18 is a true and correct copy of Milwaukee County's Responses to Plaintiff's First Set of Interrogatories.
21. Attached and labeled as Exhibit 19 is a true and correct copy of Milwaukee County's Responses to Plaintiff's Fourth Set of Requests for Admission.
22. Attached and labeled as Exhibit 20 is a true and correct copy of Milwaukee County's Responses to Plaintiff's Fifth Set of Interrogatories.
23. Attached and labeled as Exhibit 21 is a true and correct copy of excerpts from the transcript of the deposition of Richard Schmidt.
24. Attached and labeled as Exhibit 22 is a true and correct copy of the Milwaukee County Jail Policy related to Logs, Records, and Reports.
25. Attached and labeled as Exhibit 23 is a true and correct copy of excerpts from transcript of the deposition of Corin White Jones.
26. Attached and labeled as Exhibit 24 is a true and correct copy of excerpts from the transcript of the deposition of Kevin Nyklewicz.
27. Attached and labeled as Exhibit 25 is a true and correct copy of the Milwaukee County Jail Policy related to the Special Medical Unit.

28. Attached and labeled as Exhibit 26 is a true and correct copy of two photos of the Special Medical Unit.

29. Attached and labeled as Exhibit 27 is a true and correct copy of excerpts from the Wisconsin Law Enforcement Standards Board Training Guide for Jail Officers.

30. Attached and labeled as Exhibit 28 is a true and correct copy of Milwaukee County's Supplemental Response to Plaintiff's First and Third Sets of Interrogatories.

31. Attached and labeled as Exhibit 29 is a true and correct copy of excerpts from the transcript of the deposition of Deirdre Adams.

32. Attached and labeled as Exhibit 30 is a true and correct copy of the Milwaukee County Jail policy related to Inmate Movement.

33. Attached and labeled as Exhibit 31 is a true and correct copy of Milwaukee County's Response to Plaintiff's Fourth Set of Requests for Production.

34. Attached and labeled as Exhibit 32 is an excerpt from the investigative file related to Xavier Thicklen.

35. Attached and labeled as Exhibit 33 is a true and correct copy of Milwaukee County's Response to Plaintiff's Second Set of Requests for Production.

36. Attached and labeled as Exhibit 34 is a true and correct copy of Milwaukee County's Federal Rule of Civil Procedure 26 (a) (1) Disclosures.

37. Attached and labeled as Exhibit 35 is a true and correct copy of an investigative report related to Xavier Thicklen.

38. Attached and labeled as Exhibit 36 is a true and correct copy of an excerpt from a transcript of a phone call between Xavier Thicklen and Corin White Jones.

39. Attached and labeled as Exhibit 37 is a true and correct copy of the affidavit of Douglas Holton.

/s/ Theresa Kleinhaus

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CERTIFICATE OF SERVICE

I, Theresa Kleinhaus, an attorney, certify that on October 21, 2016, I filed the above **Declaration of Theresa Kleinhaus** and thereby caused a copy of the same to be served on all counsel of record via the Court's CM/ECF Filing System.

/s/ Theresa Kleinhaus